

The Department invites public input on the following draft. Please submit your comments to kphilli@hs.state.az.us or Kathleen Phillips, Department of Health Services, 1740 W. Adams, Phoenix, AZ 85007.

**ARIZONA REVISED STATUTES, TITLE 36. PUBLIC HEALTH AND SAFETY
CHAPTER 3, VITAL RECORDS AND PUBLIC HEALTH STATISTICS
ARTICLE 1. GENERAL PROVISIONS**

36-301. Definitions

In this chapter, unless the context otherwise requires:

1. "Amend" means to make a change, other than a correction, to a registered certificate by adding, deleting or substituting information on that certificate.
2. "Birth" means the complete expulsion or extraction of a product of human conception from its mother that shows evidence of life, with or without a cut umbilical cord or an attached placenta, such as breathing, heartbeat, umbilical cord pulsation or definite voluntary muscle movement after expulsion or extraction of the product of human conception.
3. "Certificate" means a record that documents a birth or death.
4. "Certified copy" means a written reproduction of a registered certificate that a local registrar, deputy local registrar or the state registrar has authenticated as a true and exact written reproduction of a registered certificate.
5. "Correction" means a change made to a registered certificate because of a typographical error including misspelling and missing or transposed letters or numbers.
6. "Court order" means a written decision issued by:
 - (a) The superior court, an appellate court or supreme court or an equivalent court in another state.
 - (b) A commissioner or judicial hearing officer of the superior court.
 - (c) A judge of a tribal court in this state.
7. "Custody" means legal authority to act on behalf of a child.
8. "Department" means the department of health services.
9. "Electronic" means technology that has electrical, digital, magnetic, wireless, optical or electromagnetic capabilities or technology with similar capabilities.
10. "Evidentiary document" means written information used to prove the fact for which it is presented.
11. "Family member" means:
 - (a) A person's spouse, natural or adopted offspring, father, mother, grandparent, grandchild to any degree, brother, sister, aunt, uncle or first or second cousin.

- (b) The natural or adopted offspring, father, mother, grandparent, grandchild to any degree, brother, sister, aunt, uncle or first or second cousin of the person's spouse.
- 12. "Fetal death" means the cessation of life before the complete expulsion or extraction of a product of human conception from its mother and that is evidenced by the absence of breathing, heartbeat, umbilical cord pulsation or definite voluntary muscle movement after expulsion or extraction.
- 13. "Final disposition" means the interment, cremation or other disposition of human remains.
- 14. "Foundling" means:
 - (a) A newborn infant left with a safe haven provider pursuant to section 13-3623.01.
 - (b) A child whose father, mother and location of birth cannot be determined.
- 15. "Funeral establishment" has the same meaning prescribed in section 32-1301.
- 16. "Health care institution" has the same meaning prescribed in section 36-401.
- 17. "Human remains" means a lifeless human body or parts of a human body that permit a reasonable inference that death occurred.
- 18. "Issue" means to provide a copy of a registered certificate in response to a request.
- 19. "Legal age" means a person who is at least eighteen years of age or who is emancipated by a court order.
- 20. "Medical examiner" means a physician who meets the requirements of section 11-591, subsection B.
- 21. "Name" means a designation that identifies a person including a first name, middle name, last name or suffix.
- 22. "New birth certificate" means a birth certificate created and registered by the state registrar to replace an existing birth certificate.
- 23. "Physician" means a person licensed pursuant to title 32, chapter 13 or 17.
- 24. "Presumptive death" means a determination by a court that a death has occurred or is presumed to have occurred but the human remains have not been located or recovered.
- 25. "Register" means to assign an official state number and to incorporate into the state registrar's official records.
- 26. "Responsible person" means a person listed in section 36-831.
- 27. "Seal" means to bar from access.
- 28. "Submit" means to present, physically or electronically, a certificate, evidentiary document or form provided for in this chapter to a local registrar, a deputy local registrar or the state registrar.
- 29. "System of public health statistics" means the processes and procedures for:
 - (a) Tabulating, analyzing and publishing public health information derived from vital records data and other sources authorized pursuant to section 36-125.05 or section 36-132, subsection A, paragraph 3.

- (b) Performing other activities related to public health information.
- 30. "System of vital records" means the statewide processes and procedures for:
 - (a) Electronically or physically collecting, creating, registering, maintaining, copying and preserving vital records.
 - (b) Preparing and issuing certified and noncertified copies of vital records.
 - (c) Performing other activities related to public health information or vital records.
- 31. "Vital record" means a registered birth certificate or a registered death certificate.

36-302. System of vital statistics; powers and duties of the state registrar

- A. The director of the department is the state registrar of vital records.
- B. The state registrar of vital records shall:
 - 1. Adopt rules to implement a statewide system of vital records pursuant to this chapter.
 - 2. Administer and enforce this chapter and the rules adopted pursuant to this chapter and provide for the efficient administration of a statewide system of vital records.
 - 3. Organize, operate and maintain the only system of vital statistics in this state.
 - 4. Direct and supervise the creation and registration of vital records, electronically and physically, and be the custodian of vital records, except for those vital records transferred to the Arizona state library, archives and public records pursuant to this chapter.
 - 5. Establish registration districts throughout this state.
 - 6. Appoint, direct, supervise and remove local registrars.
 - 7. Prescribe and distribute forms required pursuant to this chapter and rules adopted pursuant to this chapter.
 - 8. Prepare and issue copies of birth certificates and death certificates.
 - 9. Provide a means for the public to request a copy of a vital record and grant or deny the request according to criteria prescribed by rules adopted pursuant to this chapter. These rules shall include eligibility criteria, proof of identity requirements and payment requirements to obtain the requested vital record.
 - 10. Pursuant to section 16-165, Transmit each month to the county recorder a record of the death of each resident of the county recorder's county who is at least sixteen years of age.
 - 11. Determine acceptability and completeness of a certificate, evidentiary document or form submitted to the state registrar.
 - 12. Investigate violations of this chapter and rules adopted pursuant to this chapter.
 - 13. Report violations of this chapter and rules adopted pursuant to this chapter to the county attorney in the registration district in which the violation occurs or to the attorney general.
- C. The state registrar may:

1. Appoint, in writing, one or more persons to serve as assistant state registrars with any or all powers and duties vested in the state registrar.
2. Appoint, direct, supervise and remove a deputy local registrar.
3. Inspect a registration district's certificates, evidentiary documents, forms or other information related to the system of vital records.
4. Establish quality control procedures that include on-site inspections and review of evidentiary documents, forms and other information used in the creation of vital records.
5. Consolidate or subdivide registration districts.

36-303. System of public health statistics; powers and duties of the department

- A. The department shall:
1. Administer and enforce this chapter and rules adopted pursuant to this chapter.
 2. Provide for the efficient administration of a system of public health statistics.
- B. The department may adopt rules to implement a system of public health statistics pursuant to this chapter.

ARTICLE 2. REGISTRATION OFFICIALS

36-311. Appointment and removal of local registrars and deputy local registrars

- A. The state registrar shall appoint the county health officer of the county health department as the local registrar for a registration district. If a county health department does not have a county health officer, the state registrar shall appoint an employee of the county health department as the local registrar for a registration district.
- B. With notice to the state registrar, the local registrar may appoint one or more persons to serve as deputy local registrars with any of the duties vested in the local registrar.
- C. The state registrar may remove a local registrar or a deputy local registrar who does not comply with this chapter or rules adopted pursuant to this chapter or for any other reasonable cause.
- D. After notice to the state registrar, the local registrar may remove a deputy local registrar who does not comply with this chapter and rules adopted pursuant to this chapter or for any other reasonable cause.
- E. The state registrar may abolish the office of a local registrar if the registration district for which the local registrar is appointed is combined with another registration district.

36-312. Local registrars and deputy local registrars; powers and duties

A local registrar and deputy local registrar of a registration district shall:

1. Administer and enforce this chapter and rules adopted pursuant to this chapter.
2. Assist the state registrar in investigating violations of this chapter and rules adopted pursuant to this chapter.
3. Electronically or physically submit certificates, evidentiary documents and forms to the state registrar as directed by the state registrar.
4. Register certificates only as directed by the state registrar.

5. Preserve and maintain records and perform other duties required by the state registrar.
6. At the request of the state registrar, make certificates, evidentiary documents or forms related to the system of vital records available to the state registrar for inspection.
7. At the request of the state registrar, provide birth certificates and death certificates to the state registrar.
8. Prepare copies of certificates according to rules adopted pursuant to this chapter.

36-313. Deputy local registrars; compensation

- A. If a deputy local registrar is not a county employee of the registration district, the deputy local registrar shall receive from the county general fund in that registration district one dollar for each birth certificate, death certificate or fetal death certificate registered by the deputy local registrar and submitted to the state registrar pursuant to this chapter and rules adopted pursuant to this chapter.
- B. At least quarterly the state registrar shall provide written notification to the clerk of the board of supervisors in each registration district that specifies the number of birth certificates, death certificates and fetal death certificates registered by the deputy local registrar prescribed in subsection A and the amount of compensation the deputy local registrar is entitled to for the period pursuant to this section.

**ARTICLE 3. CERTIFICATE REQUIREMENTS; DEATH REGISTRATION; BIRTH
REGISTRATION**

36-321. Information required for a certificate

- A. The state registrar shall prescribe by rule the information required to be submitted to create or amend a vital record.
- B. A person who submits a certificate for registration must make a reasonable effort to ensure that the information on the certificate is correct and accurate.
- C. A certificate registered pursuant to this chapter must include an official state number and the date of registration.

36-322. Sealing a certificate

- A. The state registrar shall seal a certificate and evidentiary documents when the state registrar amends the registered certificate.
- B. If the state registrar seals a certificate and a person opposes that action, the person has the right to appeal the state registrar's action pursuant to title 41, chapter 6, article 10.
- C. Unless required by a court order, the state registrar shall not issue a copy of a certificate or other record sealed pursuant to this section.

36-323. Amending registered certificates: corrections

- A. The state registrar shall amend a registered certificate pursuant to this chapter and rules adopted pursuant to this chapter. The state registrar shall mark the certificate as "amended".

- B. The state registrar shall amend a registered certificate to show the new name of a person born in this state if the person, the person's parent or the person's legal guardian requests the new name and the state registrar receives a court order to change the name on the registered certificate.
- C. The state registrar shall adopt rules for making corrections to birth and death certificates

36-324. Copies of vital records

- A. On written request, a local registrar, a deputy local registrar or the state registrar shall issue a certified copy of a registered certificate, except the portion of the certificate that contains medical information, to any person determined to be eligible to receive the certified copy pursuant to criteria prescribed by rules.
- B. If a person requests a certified copy of the person's own registered certificate and the state registrar determines the person is not eligible to receive the certified copy, the state registrar shall provide written notification to the person that includes:
 - 1. The reason the state registrar determined the person is not eligible to receive the certified copy.
 - 2. The right to appeal pursuant to title 41, chapter 6, article 10.
- C. A certified copy of a registered certificate has the same status as the registered certificate.
- D. The United States public health service may receive copies, microfilm and other information from the state registrar to prepare national vital statistics subject to the following limitations:
 - 1. The United States public health service bears the cost of preparing and transmitting the copies, microfilm and other information.
 - 2. The copies, microfilm and other information are used for statistical purposes and the United States public health service assure a person's anonymity.
- E. In child support proceedings filed pursuant to 42 United States Code sections 651 through 669 and in child protection services proceedings pursuant to title 8, chapters 1, 5 and 8, the department of economic security may request from the state registrar copies of vital records.
- F. The state registrar may provide a copy of a vital record to a government agency for its official purposes.

36-325. Death certificate registration; access to death certificates; moving remains; definition

- A. Within seven calendar days after receiving possession of human remains, a funeral establishment or responsible person who takes possession of the human remains shall:
 - 1. Obtain and complete the information on the death certificate required pursuant to this chapter and rules adopted pursuant to this chapter.
 - 2. Provide on the death certificate the name and address of the person completing the death certificate.
 - 3. Submit the death certificate for registration to a local registrar, a deputy local registrar or the state registrar. The funeral establishment or responsible person may submit the death certificate by electronic means in the format prescribed by the state registrar.

- B. A local registrar, a deputy local registrar or the state registrar shall register a death certificate if it is accurate and complete and submitted pursuant to this chapter and rules adopted pursuant to this chapter.
- C. If the state registrar does not register a death certificate, the state registrar shall provide written notification to the person who submitted the death certificate that includes:
1. The reasons for not registering the death certificate.
 2. The right to appeal pursuant to title 41, chapter 6, article 10.
- D. Except as provided in subsection G of this section, if a person dies under any of the circumstances described in section 11-593, subsection A, the medical examiner shall complete and sign the medical certification of death on a death certificate.
- E. If a person under the current care of a physician for a potentially fatal illness dies of that illness, the physician, if available, shall complete and sign the medical certification of death on a death certificate. If the physician is not available, the medical examiner shall complete and sign the medical certification of death on a death certificate.
- F. If a person dies in a health care institution with an attending physician, the attending physician, if available, shall complete and sign the medical certification of death on a death certificate. If the physician is not available, the medical examiner shall complete and sign the medical certification of death on a death certificate.
- G. If a person dies on an Indian reservation in this state and a county medical examiner is not available, the tribal law enforcement authority, acting in an official investigative capacity, may complete and sign the medical certification of death on a death certificate.
- H. If the place of death is unknown, the death is considered to have occurred in the place where the human remains were found.
- I. If a person dies in a moving conveyance, the death is considered to have occurred in the place where the human remains were initially removed from the conveyance. In all other cases, the place where death is pronounced is considered the place where the death occurred.
- J. The state registrar shall create and register a presumptive death certificate when the state registrar receives a court order of a presumptive death. The court order shall contain the following information, if known:
1. The decedent's name, social security number, date of birth, date of death, cause of death and location of death.
 2. Any other information necessary to complete a presumptive death certificate.
- K. If a murder victim's body is not recovered, a conviction for the murder is proof of death. The court shall forward a record of the conviction to the state registrar. The state registrar shall obtain the personal data regarding the murder victim from information provided by the court, a family member of the murder victim or other reliable source and create and register the death certificate.

- L. For the purposes of this section "medical certification" means confirmation of a cause of death.

36-325.01. Delayed death certificate registration

- A. If a death occurs in this state and is not registered within one year after the date of the death, the local registrar, deputy local registrar or state registrar shall register the death certificate as a delayed death certificate.
- B. If the state registrar does not register a delayed death certificate, the state registrar shall provide written notification to the person who submitted the delayed death certificate that includes:
1. The reasons for not registering the delayed death certificate.
 2. The right to appeal pursuant to title 41, chapter 6, article 10.

36-326. Disposition-transit permits; definition

- A. A funeral establishment or responsible person who takes possession of human remains shall not provide final disposition of the human remains until receiving a disposition-transit permit provided by a local registrar, a deputy local registrar or the state registrar.
- B. To obtain a disposition-transit permit a funeral establishment or responsible person shall submit the information required pursuant to this chapter and rules adopted pursuant to this chapter to the state registrar or to the local registrar or deputy local registrar of the registration district where death occurred.
- C. A funeral establishment or responsible person may move human remains from the place where the death occurred without filing a death certificate or obtaining a disposition-transit permit if the funeral director or responsible person:
1. Does not remove the human remains from the registration district.
 2. Uses standard precautions according to the guidelines in the united states department of health and human services, centers for disease control and prevention, division of healthcare quality promotion, issues in healthcare settings, part ii recommendations for isolation precautions in hospitals, when moving the human remains.
 3. Obtains a disposition-transit permit before final disposition.
- D. A funeral establishment or responsible person may move the human remains between registration districts in this state if the funeral establishment or responsible person obtains a disposition-transit permit. If the local registrar or deputy local registrar of the registration district where the death occurred is not open for business the funeral director or responsible person may move the human remains between registration districts in this state if the funeral director or responsible person:
1. Uses standard precautions according to the guidelines in the united states department of health and human services, centers for disease control and prevention, division of healthcare quality promotion, issues in healthcare settings, part ii, recommendations for isolation precautions in hospitals when moving the human remains.

2. Provides notice to the local registrar or deputy local registrar in the registration district where the death occurred within twenty-four hours after the move.
 3. Obtains a disposition-transit permit before final disposition.
- E. A hospital or abortion clinic is not required to obtain a disposition-transit permit if a product of human conception is expelled or extracted at the hospital or abortion clinic and all the following apply:
1. The gestation period of the product of human conception is less than twenty weeks or the weight of the product of human conception is less than three hundred fifty grams.
 2. A county medical examiner's investigation is not required.
 3. The parents have authorized the hospital or abortion clinic to dispose of the product of human conception.
- F. A local registrar, a deputy local registrar or the state registrar shall provide a disposition-transit permit to a funeral establishment or other responsible person if the information provided pursuant to subsection B complies with this chapter and rules adopted pursuant to this chapter.
- G. A local registrar, a deputy local registrar or the state registrar shall provide a disposition-transit permit for interment of human remains in a cemetery only if the location of the cemetery has been recorded in the office of the county recorder in the county where the cemetery is located or the cemetery is located on federal or tribal land.
- H. A local registrar, a deputy local registrar or the state registrar shall provide an Arizona disposition-transit permit for the final disposition of human remains in this state on receipt of a disposition-transit permit from another state that accompanies the human remains from the other state.
- I. For the purposes of this section, "open for business" means the usual hours of operation that are published by the local registrar or deputy local registrar.

36-327. Disinterment-reinterment permit

Except as otherwise provided by law, a disinterment-reinterment permit is required before a person disinters human remains. The state registrar shall not provide a permit to disinter human remains except by a court order issued in this state or the written consent of the decedent's family member who has the highest priority. The priority is as follows:

1. Spouse.
2. Adult offspring.
3. Parent.
4. Adult sibling.
5. Any other family member of legal age.

36-328. Foreign presumptive death certificate registration

- A. The state registrar shall create and register a foreign presumptive death certificate if the state registrar receives a court order issued in this state of a presumptive death of a resident of this state in a foreign country. The court order shall contain the following information, if known:
 - 1. The decedent's name, social security number, date of birth, date of death, cause of death and location of death.
 - 2. Any other information necessary to complete a presumptive death certificate.
- B. A foreign presumptive death certificate shall state on the foreign presumptive death certificate the name of the foreign country where death is presumed to have occurred.

36-329. Fetal death certificate registration

- A. A hospital, abortion clinic or physician shall submit a completed fetal death certificate to the state registrar for registration within seven days after the fetal death for each fetal death occurring in this state after a gestational period of twenty completed weeks or if the product of human conception weighs more than three hundred fifty grams.
- B. If the state registrar does not register a fetal death certificate, the state registrar shall provide written notification to the person who submitted the fetal death certificate that includes:
 - 1. The reasons for not registering the fetal death certificate.
 - 2. The right to appeal pursuant to title 41, chapter 6, article 10.
- C. The requirements for registering a fetal death certificate are the same as the requirements for registering a death certificate prescribed in section 36-325.

36-329.01. Delayed fetal death certificate registration

- A. If a fetal death occurs in this state and is not registered within one year after the date of the fetal death, the local registrar, deputy local registrar or state registrar shall register the fetal death certificate as a delayed fetal death certificate.
- B. If the state registrar does not register a delayed fetal death certificate, the state registrar shall provide written notification to the person who submitted the delayed fetal death certificate that includes:
 - 1. The reasons for not registering the delayed fetal death certificate.
 - 2. The right to appeal pursuant to title 41, chapter 6, article 10.
- C. The requirements for registering a delayed fetal death certificate are the same as the requirements for registering a delayed death certificate prescribed in section 36-325.01.

36-330. Certificate of birth resulting in stillbirth; requirements

- A. In addition to the requirements of section 36-329, the state registrar shall establish a certificate of birth resulting in stillbirth on a form approved by the state registrar for each fetal death occurring in this state after a gestational period of at least twenty completed weeks. This certificate shall be offered to the parent or parents of a stillborn child.

- B. A certificate of birth resulting in stillbirth shall meet all of the format and filing requirements for birth certificates prescribed in section 36-333.
- C. The person who prepares a certificate pursuant to this section shall leave blank any references to the stillborn child's name if the stillborn child's parent or parents do not wish to provide a name for the stillborn child.
- D. Notwithstanding subsections A and B of this section, the certificate of birth resulting in stillbirth shall be submitted to the designated registrar within seven days following the delivery and before the cremation or removal of the fetus from the registration district.

36-330.01. Delayed registration of certificate of birth resulting in stillbirth

If a birth resulting in stillbirth occurring in this state has not been registered within one year after the date of delivery, a certificate of birth resulting in stillbirth marked "delayed" may be submitted and registered pursuant to this chapter and rules adopted pursuant to this chapter and other requirements sufficient to substantiate the alleged facts of a birth resulting in stillbirth.

36-331. Duties of persons in charge of place of disposition

- A. A person in charge of a place of disposition shall not inter, cremate or allow other disposition of human remains without receiving a disposition-transit permit with the human remains.
- B. A person in charge of a place of disposition shall maintain a record of a disposition. The state registrar may inspect the records.

36-332. Notification of death to responsible person and release of human remains

A health care institution shall not release human remains or allow the removal of human remains from the health care institution until the health care institution makes a diligent effort to notify the responsible person and obtain the name of the entity to whom the human remains are to be released.

36-333. Birth certificate registration; definitions

- A. Within seven days after a child's birth in this state, a person shall submit to a local registrar, deputy local registrar or the state registrar, a birth certificate for registration according to rules adopted pursuant to this chapter. The birth certificate shall be submitted physically or electronically through the state designated electronic registration system. A local registrar, a deputy local registrar or the state registrar may accept a certificate submitted electronically without the signatures required by rule.
- B. If a birth occurs at a hospital, the chief administrative officer of the hospital or that person's designee shall:
 - 1. Obtain the information for a birth certificate, including signatures required by rule.
 - 2. Fill out the birth certificate.
 - 3. Submit the birth certificate for registration to a local registrar, a deputy local registrar or the state registrar.

4. Maintain a copy of the evidentiary documents used to fill out the birth certificate for ten years after the date of submission.
- C. If a birth does not occur at a hospital one of the following persons shall obtain the information, evidentiary documents and signatures required by rule for a birth certificate, fill out the birth certificate and submit the birth certificate for registration to a local registrar, a deputy local registrar or the state registrar:
1. A physician, nurse or midwife who is present at the birth and who is willing and able to do so during or immediately after the birth.
 2. If a physician, nurse or midwife is not present at the birth or is not willing or able to do so, the child's mother or father or a family member of legal age who is present, willing and able to do so during or immediately after the birth.
 3. If the child's father or other family member of legal age is not present or is not willing or able and the child's mother is not willing or able to supply the required information, any other person who is present during or immediately after the child's birth and who can supply the required information.
- D. If a birth occurs in a moving conveyance, the birth is considered to have occurred in the place where the child is initially removed from the conveyance. If the child is initially removed from the conveyance at a hospital, the person named in subsection B shall submit the birth certificate to the state registrar or the local registrar or deputy local registrar of the registration district where the child is first removed. If the child is initially removed from the conveyance at any location other than at a hospital, the person identified in subsection C shall submit the birth certificate to the state registrar or to the local registrar or deputy local registrar of the registration district where the child is first removed.
- E. A local registrar, a deputy local registrar or the state registrar shall register a birth certificate if the birth certificate is accurate and complete and submitted according to this chapter and rules adopted pursuant to this chapter.
- F. If a local registrar, a deputy local registrar or the state registrar receives an inaccurate or incomplete birth certificate for registration, the local registrar, deputy local registrar or state registrar shall require accurate and complete information before registering the birth certificate.
- G. If the state registrar does not register a birth certificate, the state registrar shall provide written notification to the person who submitted the birth certificate that includes:
1. The reasons for not registering the birth certificate.
 2. The right to appeal pursuant to title 41, chapter 6, article 10.
- H. For the purposes of this section "midwife" means a person:
1. Licensed pursuant to chapter 6, article 7 of this title.
 2. Certified as a nurse midwife pursuant to title 32, chapter 15.

36-333.01 Late birth certificate registration

- A. If a completed birth certificate and evidentiary documents are submitted to a local registrar, a deputy local registrar or the state registrar for registration more than seven days but less than one year after the date of birth, the local registrar, deputy local registrar or state registrar shall register the birth certificate as a late birth certificate if the information on the birth certificate and evidentiary documents are accurate and complete, support the registration of the late birth certificate and are submitted pursuant to this chapter and rules adopted pursuant to this chapter.
- B. If the state registrar does not register a late birth certificate, the state registrar shall provide written notification to the person who submitted the late birth certificate that includes:
 - 1. The reasons for not registering the late birth certificate.
 - 2. The right to appeal pursuant to title 41, chapter 6, article 10.

36-333.02 Delayed birth certificate registration

- A. If a birth certificate of a person who is born in this state is not registered within one year after the date of birth, a person authorized by this chapter may submit to the state registrar information and evidentiary documents that support the creation and registration of a delayed birth certificate.
- B. The state registrar may waive the information and evidentiary document requirements in subsection A for a birth that occurred before 1950.
- C. The state registrar shall create a delayed birth certificate that includes a listing of the information and evidentiary documents submitted pursuant to subsection A.
- D. The state registrar shall register a delayed birth certificate if the information and evidentiary documents are accurate and complete, support the registration of the delayed birth certificate and are submitted pursuant to this chapter and rules adopted pursuant to this chapter.
- E. If the state registrar does not register a delayed birth certificate, the state registrar shall send written notification to the person submitting the information and evidentiary documents for the creation and registration of the delayed birth certificate that includes:
 - 1. The reasons for not registering the delayed birth certificate.
 - 2. The right to appeal pursuant to title 41, chapter 6, article 10.

36-334. Determining maternity and paternity for birth certificates

- A. A person completing a birth certificate shall state the name of the woman who gave birth to the child on the birth certificate as the child's mother unless otherwise provided by law or court order.
- B. The state registrar shall not refuse to register a birth certificate because the birth certificate does not include the name of the father.
- C. If a father's name is stated on a birth certificate, the father's name shall be stated on a birth certificate as follows:

1. Except as provided in title 25, chapter 6, article 1, if the mother is married at the time of birth or was married at any time in the ten months before the birth, the name of the mother's husband.
 2. If a mother and father who are not married to each other at the time of birth and were not married to each other in the ten months before the birth voluntarily acknowledge paternity pursuant to section 25-812, the name of the father acknowledging paternity.
 3. If the state registrar receives a court order pursuant to title 25, chapter 6 establishing paternity, the father's name in the court order.
- D. The state registrar shall change the name of the father on a registered birth certificate if:
1. The state registrar receives a court order ordering the change.
 2. Paternity is established through a voluntary acknowledgement of paternity pursuant to section 25-812.
- E. The state registrar shall change a child's name on a registered birth certificate if:
1. The state registrar receives a court order ordering the change.
 2. Paternity is established through a voluntary acknowledgement of paternity pursuant to section 25-812 and the acknowledgment of paternity includes a request that the child's name be changed.
- F. If the acknowledgement of paternity is rescinded pursuant to section 25-812, the state registrar may remove the father's name from the registered birth certificate.

36-335. Foundling registration

- A. A person who has custody of a foundling shall submit to the state registrar or to the local registrar or a deputy local registrar of the registration district where the foundling was found the following information:
1. The date the foundling was found.
 2. The location where the foundling was found.
 3. The sex, race and approximate age of the foundling.
 4. The name and address of the person who has custody of the foundling.
 5. The name given to the foundling by the person who has custody of the foundling.
 6. Any other data required by rules adopted pursuant to this chapter.
- B. The state registrar shall create and register a foundling birth certificate for a foundling and enter on the foundling's birth certificate the following information:
1. The location where the foundling was found as the place of birth.
 2. The date of birth based on the approximate age of the foundling.
- C. A person who has custody of a foundling and determines the foundling's identity shall notify the state registrar in writing of the determination.
- D. If the identity of a foundling is determined, the state registrar shall seal the registered foundling's birth certificate and provide access to the registered foundling's birth certificate only pursuant to a court order issued in this state.

36-336. Adoption certificate

- A. For an adoption of a person born in this state, a state court shall submit to the state registrar an adoption certificate on a form approved by the state registrar or pursuant to a court order that includes:
 - 1. Information required by rule about the adoptive father and adoptive mother.
 - 2. Information required by rule about the child being adopted.
 - 3. A statement by the court that the information on the adoption certificate is accurate.
- B. For an adoption of a person born in this state and ordered by a court in another state, the state registrar shall accept an order for an adoption or an adoption certificate that contains the information in subsection A.
- C. If a court modifies a court order for adoption, the state registrar shall follow the procedures in this chapter for amending a registered certificate.
- D. By the tenth day of each month, a court in this state shall submit to the state registrar all adoption certificates, court orders for adoption and court orders for modification of adoption for the preceding month.
- E. When the state registrar receives an adoption certificate, a court order for adoption, a change to a court order for adoption or an annulment of an adoption for a person born in another state, the state registrar shall send the document to the appropriate registration authority in the state where the person was born.

36-337. New birth certificates after adoption, paternity determination, surgical alternation and court order

- A. The state registrar shall create and register a new birth certificate for a person born in this state when the state registrar receives any of the following:
 - 1. An adoption certificate or a court order for adoption required pursuant to section 36-336.
 - 2. A court order establishing paternity pursuant to title 25, chapter 6, article 1.
 - 3. A court order ordering a new birth certificate.
 - 4. For a person who has undergone a sex change operation or has a chromosomal count that establishes the sex of the person as different than in the current certificate, both of the following:
 - (a) A written request for a new birth certificate from the person or, if the person is a child, from the child's parent or legal guardian.
 - (b) A written statement by a physician that verifies the sex change operation or chromosomal count.
- B. If a registered birth certificate does not exist for a person born in this state who is requesting a new birth certificate the person requesting the new birth certificate shall comply with the requirements in this chapter for a late, delayed or foundling birth certificate before a new birth certificate is created and registered, except as established by rule.

- C. If the state registrar creates a new birth certificate following adoption, the new birth certificate shall state the city or county of birth stated on the existing registered birth certificate and the date of birth stated on the existing registered birth certificate. The state registrar may omit the exact location of birth.
- D. If the state registrar notifies a local registrar or deputy local registrar that the state registrar has created a new birth certificate, a local registrar or deputy local registrar shall forward all copies of the previous registered birth certificate to the state registrar.
- E. If a local registrar or deputy local registrar creates a new birth certificate, the local registrar or deputy local registrar shall forward all evidentiary documents provided to create the new birth certificate and all copies of the previous registered birth certificate to the state registrar.
- F. If the state registrar registers a new birth certificate, the state registrar shall seal the previous registered birth certificate and the evidentiary documents of adoption, surgical alteration or chromosomal count. The state registrar shall provide access to a sealed certificate or evidentiary documents only pursuant to section 36-322, a court order issued in this state or as prescribed by rule.
- G. If the state registrar receives a court order annulling an adoption, the state registrar shall unseal the previous registered birth certificate and shall seal the new birth certificate and evidentiary documents.

36-338. Foreign birth certificates for adoptees

- A. The state registrar shall create and register a foreign birth certificate for an adopted person who is not a united states citizen and who is born in a foreign country if a court in this state, an adoptive parent or an adopted person of legal age submits all of the following information:
 - 1. A birth certificate from the country of the adopted person's birth that has been translated into English or written documentation of the date and place of the adopted person's birth.
 - 2. A court order of adoption or adoption certificate.
 - 3. If not adopted in this state, a court order issued in this state that recognizes the adoption pursuant to section 36-336.
- B. A foreign birth certificate for an adopted person shall show the country of birth and include language stating that the certificate is not evidence of United States citizenship for the person for whom it is issued.
- C. The state registrar shall not create a foreign birth certificate for an adopted person born in a foreign country who is a United States citizen at the time of birth. The state registrar shall inform the adoptive parents or the adopted person of legal age that a birth certificate may be obtained through the United States department of state.

36-339. Missing children; notification; flagging birth certificate records; definitions

- A. If a child is reported missing to a law enforcement agency in this state, that agency shall notify the state registrar in the state of the child's birth. The notification shall include the missing child's name, date of birth and county of birth.

- B. If the state registrar is notified pursuant to subsection A that a child born in this state is missing, the state registrar shall flag the child's registered birth certificate. If the missing child is found, the law enforcement agency that reported the child missing shall notify the state registrar and the state registrar shall remove the flag from the child's registered birth certificate.
- C. If the state registrar receives a request for a registered certificate that is flagged, the state registrar shall.
1. Make a photocopy of the photo identification of the person making the request.
 2. Document the physical description of the person making the request.
 3. Immediately notify a law enforcement agency in this state of the request.
- D. For the purposes of this section:
1. "Flag" means to indicate on a child's registered birth certificate that the child is a missing child.
 2. "Missing child" means a child whose location cannot be determined and who is reported to a law enforcement agency as abducted, lost or a runaway.

ARTICLE 4. APPEALS; FEES; VITAL RECORD INFORMATION

36-341. Right to appeal an action taken by the department

- A. If an action taken by the department in this chapter is appealable, written notice requirements are stated in the section relating to the action.
- B. Any action taken by the department not designated as appealable in this chapter is not an appealable action, including the following:
1. Denial of access to or a copy of another person's registered certificate.
 2. Denial of access to or a copy of an evidentiary document.
 3. Denial of a correction to a registered certificate.
 4. Denial of an amendment to a registered certificate.

36-342. Fees received by state and local registrars

- A. The state registrar shall establish by rule the fees, if any, to be charged for searches, copies of registered certificates, certified copies of registered certificates, amending registered certificates, correcting certificates and issuing new birth certificates.
- B. In addition to fees collected pursuant to subsection A of this section, the state registrar shall assess an additional one dollar surcharge on fees for all certified copies of registered birth certificates. The state registrar shall deposit, pursuant to sections 35-146 and 35-147, all monies received from the surcharge in the confidential intermediary and private fiduciary fund established by section 8-135.
- C. The state registrar shall keep a true and accurate account of all fees collected by the state registrar under this chapter and, until July 1, 2006, shall deposit, pursuant to sections 35-146 and 35-147, forty per cent of these monies in the vital records electronic systems fund established by section 36-342.01 and the remaining sixty per cent in the state general fund. Beginning on July 1, 2006, the state registrar shall deposit, pursuant to sections 35-146 and 35-147, all of these monies in the state general fund.

- D. A local registrar shall keep a true and accurate account of all fees collected by the local registrar under this chapter and shall deposit them with the county treasurer to be credited to a special registration and statistical revenue account of the health department fund.
- E. In addition to fees collected pursuant to subsection A of this section, the department shall assess an additional one dollar surcharge on fees for all certified copies of registered death certificates. The department shall deposit, pursuant to sections 35-146 and 35-147, monies received from the surcharge in the child fatality review fund established by section 36-3504.
- F. The state registrar may exempt an office, board or commission as defined in section 38-104 from any fee required by this section, section 8-135 or section 36-3504.

36-342.01. Vital records electronic systems fund; purpose; nonlapsing

- A. The vital records electronic systems fund is established consisting of monies collected pursuant to section 36-342. The department shall administer the fund. The department shall use fund monies for costs associated with the vital records automation system.
- B. Fund monies:
 - 1. Do not revert to the state general fund.
 - 2. Are exempt from the provisions of section 35-190 relating to lapsing of appropriations.
 - 3. Are continuously appropriated.
- C. On notice from the director, the state treasurer shall invest and divest the monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

36-343. Disclosure of information; prohibition

- A. The state registrar may provide information contained in vital records to persons, including federal, state, local and other agencies, as required by law or prescribed in rule.
- B. Except as authorized by law, a local registrar, a deputy local registrar or the state registrar or their employees shall not:
 - 1. Permit inspection of a vital record or evidentiary document supporting the vital record.
 - 2. Disclose information contained in a vital record.
 - 3. Transcribe or issue a copy of all or part of a vital record.

36-344. Duty to provide information to the state registrar

A person who has knowledge of information relating to a birth, death or fetal death must provide this information to the state registrar on request

36-345. Violation; classification

A person is guilty of a class 1 misdemeanor who:

- 1. Knowingly makes a false statement in a certificate or record required to be filed pursuant to this chapter or in an application for an amendment of a certificate or who knowingly submits false information intending that the information be used in the creation or amendment of a certificate.

2. Without lawful authority and with the intent to deceive makes, alters, amends, mutilates or removes a certificate or record required to be submitted pursuant to this chapter or a certified copy of a registered certificate.
 3. Knowingly uses or furnishes for use to another for the purpose of deception a certificate or record required to be submitted pursuant to this chapter or a certified copy of a registered certificate that has been made, altered, amended or mutilated.
 4. With the intent to deceive, knowingly uses a birth certificate or a certified copy of a registered birth certificate knowing that the birth certificate or certified copy of the registered birth certificate was issued on a record that is false in whole or in part or that relates to the birth of another person.
 5. Knowingly furnishes a birth certificate or certified copy of a registered birth certificate with the intent that it be used by a person other than the person named on the birth certificate.
 6. Knowingly fails or refuses to report a death to a peace officer or, without proper authority, takes, removes or otherwise disturbs the human remains, clothing or articles of the deceased person.
- B. A person is guilty of a class 3 misdemeanor who:
1. Knowingly transports or accepts for transportation or disposition human remains without an accompanying disposition-transit permit as required by this chapter.
 2. Refuses to provide information required by this chapter.
 3. Knowingly disregards any of the provisions of this chapter or refuses to perform any of the duties imposed by this chapter.

ARTICLE 5. PRESERVING AND ARCHIVING VITAL RECORDS

36-351. Duties of the director; Arizona state library archives and public records

- A. The department shall:
1. Use the best means available to preserve a vital record before transferring it to the Arizona state library, archives and public records.
 2. Transfer to the Arizona state library, archives and public records for archiving, a person's:
 - (a) Registered birth certificate seventy-five years after the person's birth.
 - (b) Registered death certificate fifty years after the person's death.
- B. The Arizona state library, archives and public records shall provide access to registered birth certificates and registered death certificates pursuant to section 41-1339, subsection D and issue certified copies pursuant to section 41-1335, subsection A, paragraph 4. The Arizona state library, archives and public records shall use the best means available to preserve the vital records that are accessible to the public pursuant to this section.